

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 23529 OF 2005

Date: 03.11.2005

BETWEEN:

1. Syed Fakhruddin and another.

.... PETITIONERS

And

1. The District Collector, Ranga Reddy District Having office at Lakdikapool,
Hyderabad, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 23529 OF 2005

ORDER:

The petitioners claim to be the purchaser of the land admeasuring Acs.8.05 in S.No.9/2 of Jalpally village from one Syed Mohiudding Ali under a registered sale deed dated 24.10.2003. It is also alleged that the petitioners' vendor purchased the same from the original pattadars E. Balaiah and Babaiah and got the name mutated in the pahanies. It is also the case of the petitioners that they also obtained necessary certificates from the Special Officer and Competent Authority under the Urban Land (Ceiling and Regulation) Act, 1976. When the petitioners were raising constructions on a portion of the land, on the premise that the vendors of the petitioners lodged a complaint the second respondent by Memo dated 10.10.2005 directed the third respondent to conduct enquiry in respect of the land in S.No.9 of Jalpally village and stop illegal encroachment. As consequence thereof, the third respondent by another Memo dated 10.10.2005 directed the petitioners to stop construction immediately duly informing that necessary action would be taken by the Mandal Revenue Officer under the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act'). The said memo is assailed in this writ petition.

The matter is listed before this Court for admission on 2.11.2005. This Court directed the learned Assistant Government Pleader to get instructions in the matter. After getting instructions, the learned Assistant Government Pleader for Revenue (assignment) submits that the land in S.No.9 of Jalpally village is assigned land and on a complaint given by the original assignees, action is being taken under the Act,

and therefore, the petitioner was directed to stop construction.

Except directing the petitioner to stop construction, the respondents 2 and 3 have not so far initiated any action. If the land in S.No.9 is assigned land, which was originally assigned to M/s. Yadaiah, D. Jangaiah and D. Ramulu, nothing prevents the authorities in taking action under the Act and till such action is taken and the land is duly resumed, if the petitioner is in possession of the property, his right to enjoy the property is not in any manner affected. In that view of the matter, the writ petition at this stage is misconceived.

The Writ Petition is therefore dismissed at the admission stage.

(V.V.S. RAO, J.)

3rd November, 2005

Js.